



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kim et al.

Examiner: Patel, Gautam

Serial No: 09/338,473

Group Art Unit: 2653

Filed: June 22, 1999

Docket: 8836-116 (IB8187US)

**For: APPARATUS FOR CONTROLLING MULTI-WORD STACK OPERATIONS IN
DIGITAL DATA PROCESSORS**

Assistant Commissioner For Patents
Box DAC
Washington, D.C. 20231

**STATEMENT IN SUPPORT OF PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

The undersigned, Margaret M. Schultz, respectfully submits this Statement in support of Applicants' Petition to withdraw holding of abandonment of the above-identified application based on failure to receive an Office Action, mailed on November 30, 2001.

I am the Office Manager for the law offices of F. Chau & Associates, LLP, the attorneys for Applicants in connection with the above-identified application. My responsibilities as Office Manager include receiving and reviewing all mail directed to the above office including any correspondence from the U.S. Patent and Trademark Office (USPTO), and docketing due dates for responding to USPTO Office Actions and other matters.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and all document referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail, postage paid in an addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231 on November 19, 2002.

Dated: 11/19/02


Frank V. DeRosa

In docketing due dates in connection with responses to Office Actions, I manually input any due dates in a bound notebook and also input such due dates on a computerized docketing system (CTS - computerized tracking system), immediately upon receipt of any action or correspondence from the USPTO requiring any response.

On or about September 23, 2002, our office received a Notice of Abandonment, which was mailed on September 19, 2002, indicating that the above-identified had gone abandoned based on the Applicants' failure to timely file a proper reply to an Office Action, mailed on November 30, 2001, within the statutory period.

I immediately checked my docket notebook and the computerized docketing system. Had we received the Office Action, the due date for responding to the Office Action would have been duly entered in my docket notebook and in the computerized docketing system under Attorney Docket no. 8836-116. In particular, if the November 30, 2001 Office Action was a Final Office Action, I would have docketed a two-month date for responding (January 30, 2002), as well as three-month date for responding (February, 28, 2002).

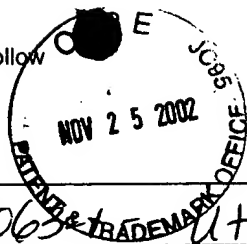
Annexed hereto are copies of docket entries in my docket notebook for January 30, 2002 and February 28, 2002. As shown, there is no entry for the above-identified application, which would have been docketed under Attorney Docket No. 8836-116. In addition, a search of our computerized docketing system indicated that there is no outstanding response due for attorney Docket No. 8836-116.

Accordingly, the Office Action dated November 30, 2001 was never docketed in any of the docketing systems in this office because the Office Action was never received. No one in the office of F. Chau & Associates was aware of the existence of such an Office Action.

I HEREBY DECLARE that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 11-19-02

Margaret M. Schultz
Margaret M. Schultz



✓ Reminder - 8063-4-11/FF due 5-30-02 (NTW)

~~Reminder - 8~~

~~8728-440- Resp to Non-Compliant Amend due (FC)~~

~~8044-17- Utility Appln due (STAT)~~

File Extension?

8032-4- Statement of Use due (STAT) (FC)

No answer from client - Abandon

~~8069-1- Trademark OA due (STAT) (JCV)~~

~~8021-76- STAT File Application~~

~~8728-439- Issue Fee due (FC/SJB)~~

~~8021-30- Resp to RR due (FVD/MM)~~

✓ ~~8738-208- Issue Fee due (FC)~~

✓ ~~8021-86- STAT File Application~~

~~8728-562- Patent appln due~~

~~8728-563- patent appln due (NTW)~~

~~8011-1 CIP- N/MP due (12/31/01 notice date) (FVD) w/2nd~~

✓ ~~8002A-33- Resp to final due (3 mo date) (FC) (mm)~~

~~8011-11- N/MP due w/2 EOT (FVD) (10-29-01)~~

~~8028-21- Draft Appln due~~

JANUARY

30

WEDNESDAY

2002 30th day - 335 days follow

~~8021-85 - TARGET File Application~~



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/338,473	06/22/1999	YOUNG-CHUN KIM	8836-116-(IB)	1425

7590 09/19/2002

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EXAMINER

PATEL, GAUTAM

ART UNIT PAPER NUMBER

2653

DATE MAILED: 09/19/2002




Please find below and/or attached an Office communication concerning this application or proceeding.

Q1



Application No. 09/338,473	Applicant(s) Kim et al.
Examiner Gautam R. Patel	Art Unit 2653



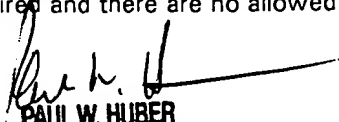
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Nov 30, 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


PAUL W. HUBER
PRIMARY EXAMINER

GAUTAM R. PATEL
PATENT EXAMINER
ART UNIT 2653

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.